

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:20-CR-00389-FDW-DCK**

UNITED STATES OF AMERICA

v.

DAVID PLYLER,

Defendant.

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ORDER

THIS MATTER is before the Court on the United States’ Motion for Turnover of Funds, (Doc. No. 40), held by the Union County Sheriff’s Office to be applied to the outstanding restitution imposed against Defendant in this case. Defendant did not timely oppose or otherwise respond to the motion. For the reasons set forth below, the United States’ Motion is **GRANTED**.

Defendant pleaded guilty to Counts One, Two, Three, and Four of the indictment in this case, charges that arose from robberies of three banks, including the SunTrust branch located at 307 Unionville Indian Trail Road, Indian Trail, North Carolina. This Court sentenced Defendant to 63 months imprisonment and ordered him to pay a special assessment of \$400.00 and \$17,848.00 in restitution, including \$10,685.00 to Truist (formerly SunTrust Bank, Indian Trail, North Carolina). (Doc. No. 38.) To date, Defendant has made no payments.

Title 18, United States Code, Section 3613 sets out procedures for the United States to enforce criminal monetary penalties, including restitution and fines. See 18 U.S.C. §§ 3613(a) and (f). Pursuant to 18 U.S.C. § 3613(c), upon entry of judgment, a lien arises against all of the defendant’s property and rights to property. See 18 U.S.C. § 3613(a) (United States may enforce restitution against all property and rights to property of the defendant).

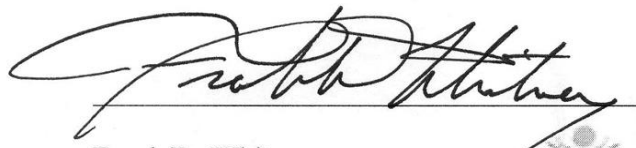
The funds at issue are currently in the Union County Sheriff's possession, and the United States has a valid lien over the property. Further, because the property at issue is cash, it does not fall within any applicable categories of the exempt property that a defendant may claim in a criminal case. See 18 U.S.C. § 3613(a)(1) (setting forth the applicable IRS property exemptions for criminal cases under 26 U.S.C. § 6334(a)).

IT IS THEREFORE ORDERED that the United States' Motion for Turnover of Funds, (Doc. No. 40), is **GRANTED**.

IT IS FURTHER ORDERED that the Union County Sheriff's Office is **DIRECTED** to turn over funds in the amount of \$10,685.00 to the United States District Clerk of Court at 401 West Trade Street, Charlotte, North Carolina, 28202 in the form of a certified check, to be applied toward the restitution ordered to Truist (formerly SunTrust Bank, Indian Trail, North Carolina) in the judgment in this case.

IT IS SO ORDERED.

Signed: June 11, 2024


Frank D. Whitney
United States District Judge